

**The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists**  
**Board Meeting**  
**May 31, 2017**  
**10:00 a.m.**

A regular board meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted on Wednesday, May 31, 2017 at the Department of Professional Licensing, 911 Leawood Drive, Frankfort, Kentucky 40601.

**Members Present**

Ava Eaves, Board Chair  
Dr. Sandra Bastin  
Lora L. Parks  
Jean Harney Jones  
Leona Gilliam  
Megan Finnie

**Department of Professional Licensing**

Kelly Walls, Board Administrator  
Larry Brown, Commissioner

**Others in Attendance**

Nicole Biddle, Board Counsel

**Members Absent**

None

**Call to Order**

Ms. Eaves, Board Chair, called the meeting to order at 10:09 a.m.

**Approval of Minutes**

Ms. Gilliam made a motion to accept the March 29<sup>th</sup>, 2017 meeting minutes. Ms. Jones seconded the motion. Motion carried unanimously.

**Board Monthly Financial Report**

There were no questions regarding financial reports for March and April of 2017.

**Board Chair Report**

- Ms. Eaves thanked the members of the Board for the opportunity to work with each and every one of them as her term expires this upcoming July, along with Ms. Jones' term. Ms. Eaves stated this Board has always done its best for the licensees and constituents of Kentucky and the Board has accomplished quite a bit. Ms. Eaves reported that KAND (the Kentucky association) stated Kentucky has one of the best and most efficient boards in the nation for RD's. Ms. Gilliam thanked Ms. Eaves for her wonderful leadership over the years.
- Ms. Eaves expressed gratitude to Ms. Mara Beth Womack and Ms. Jean Jones for their unwavering service and commitment to the Board and stated they will be missed.
- On behalf of the Board, Ms. Eaves welcomed newest Board member, Ms. Megan Finnie. Ms. Finnie was sworn in as the newest Board member.
- Ms. Jones made a motion to elect Ms. Lora Parks as the new Board Chair. Ms. Gilliam seconded the motion and it was carried.

**D.P.L. (Department of Professional Licensing) Report**

The Board reviewed the licensure status report, noting there has been an increase in certified nutritionist applications.

Ms. Gilliam gave a detailed report to the board in regards to the Public Protection Cabinet meeting she attended on May 4<sup>th</sup>, which was led by Secretary David Dickerson. The Board and Mr. Brown discussed the general government boards reorganization at length. These talking points are under “Attachment A” to follow these meeting minutes. The goal of the reorganization is to better protect board members (in regards to personal liability for board decisions), and licensees should not be affected by the reorganization. Mr. Brown also suggested that the Board can think about holding Board events, such as continuing education trainings for the licensees, if there is surplus in the budget.

#### **Board Counsel Report**

- Ms. Biddle gave an update regarding the draft of the new regulation to define the scope of practice based upon recent CMS regulation changes. Ms. Biddle was instructed to not file any new regulations due to the reorganization and the draft was put on hold. Ms. Eaves stressed the importance of this regulation and Ms. Biddle will be sure to transfer this information to the new attorney as assigned by the Public Protection Cabinet. After discussion, Ms. Biddle will move forward with the draft and send to the Board for review prior to the next meeting.
- Ms. Biddle reported she was asking to provide an opinion regarding genetic counseling. Ms. Biddle and Ms. Eaves worked on drafting this opinion together and it was completed.

#### **Old Business**

There was no old business to report.

#### **New Business**

- Dr. Bastin reported the Board has been receiving an increase of inquiries regarding “health coaches”, fitness instructors, and the handling of “nutrition and diet advice” such as protein supplements, for example. The Board will need to discuss this important matter further and will consider adding information about this in the Board’s regulations.
- Ms. Jones made a motion to add a statement (regarding no online programs exist to become an RD) to the Board’s Frequently Asked Questions document. Ms. Gilliam seconded the motion and it was carried. Dr. Bastin will draft the statement for review at the next meeting.

#### **Applications**

A motion was made by Ms. Gilliam to accept the following application recommendations as specified:

##### **Applications for Licensure**

Therese	Berry	Dietitian and Nutritionist Dual	Approve
Mary	Calton	Dietitian and Nutritionist Dual	Approve
Jennifer	Chadbourne	Dietitian and Nutritionist Dual	Approve
Susan	Cowmeadow	Dietitian and Nutritionist Dual	Approve
Catherine	Gagel	Dietitian and Nutritionist Dual	Approve
Luisyana	Gamboa	Nutritionist	Approve
Lindsay	Gaucher	Dietitian and Nutritionist Dual	Approve

Adrienne	Grogan	Dietitian and Nutritionist Dual	Approve
Pamela	Harris	Dietitian and Nutritionist Dual	Approve
April	Jackson	Dietitian and Nutritionist Dual	Approve
Francoise	Kazimierczuk	Dietitian and Nutritionist Dual	Approve
Timothy	Olszewski	Dietitian and Nutritionist Dual	Approve
Gina	Puorro	Dietitian and Nutritionist Dual	Approve
Lynne	Raphael	Dietitian and Nutritionist Dual	Approve
Staci	Trofimov	Dietitian and Nutritionist Dual	Approve
Claire	Wiley	Dietitian and Nutritionist Dual	Approve
Marnie	Claxton	Dietitian and Nutritionist Dual	Approve

Dr. Bastin seconded the motion and the motion was carried unanimously.

#### **Approval of Travel/Per Diem**

Ms. Gilliam made a motion to approve travel and per diem for this meeting. Ms. Jones seconded the motion. Motion carried unanimously.

#### **Next Scheduled Meeting**

July 26, 2017 at 10:00am

#### **Adjournment**

Dr. Bastin made a motion to adjourn the meeting. Ms. Jones seconded the motion. Motion carried unanimously.

Ava H. Eaves, Board Chair

Minutes prepared by Kelly Walls, Board Administrator

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## **ATTACHMENT "A"**

### **General Government Boards Reorganization Talking Points**

#### **Background:**

□ A restructuring is necessitated by a 2015 U.S. Supreme Court ruling in N.C. Dental Board v. Federal Trade Commission.

- o The N.C. Dental Board sent cease and desist letters to non-dentists that were providing teeth whitening services.

- o The ruling found that the board's actions were anti-competitive and that board members were subject to liability because the board was not actively supervised by the state.

- o As a result, boards comprised of market-based participants must be supervised by the state for board members to enjoy individual anti-trust immunity.

- If your licensing board has a market-based participant (i.e. someone that holds an active license in the field in which the board regulates) and is not actively supervised by the state, then board members can be held personally liable for board decisions.

- Kentucky is one of several states that will be changing the structure of licensing boards to comply with the Supreme Court decision.

**Structure:**

- State licensing boards will largely maintain their individual identity. Similar boards will, however, be grouped together in an authority for purposes of government oversight, personnel staffing, and administrative support. The oversight will primarily come from an Executive Director that will provide active state supervision to each licensing board through management, oversight, and administrative assistance.

- The Executive Director will be hired by the Public Protection Cabinet.

- Individual licensing boards will be housed within the Department of Professional Licensing under the Public Protection Cabinet.

- Each licensing board will continue to regulate and license their respective profession with oversight from the Executive Director and the Commissioner of the Department of Professional Licensing.

- With very limited exceptions, each licensing board will have five members.

- Board appointments will be made through the Boards and Commissions process, and stakeholder groups and associations will have the opportunity to submit recommendations, through Boards and Commissions, for the Governor's consideration.

**Process:**

- Each individual licensing board will have the authority to:

- o **Grant licenses**

- Licensing appeals will be sent to the Executive Director of the oversight board.

- o **Recommend regulatory changes**

- Regulatory changes will be recommended by the individual licensing boards and sent to the Executive Director. The Executive Director will review the proposed regulatory changes and either approve or send back to the board with suggested revisions.

- o **Initiate disciplinary actions**

- Individual licensing boards may initiate disciplinary actions against licensees. Disciplinary appeals will be handled by the Executive Director.

- The Executive Director will have final approval on licensing appeals, regulatory changes, and disciplinary appeals.

**Services:**

- Each authority will be assigned a general counsel to provide legal services for member licensing boards.

- The licensing board will create a budget that is subject to the approval of the Executive Director